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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/620,683   | 07/15/2003  | Norihiro Edwin Aoki  | AOL0080             | 9636             |
| 22862  | 7590        | 05/15/2009           | EXAMINER            |                  |
| GLENN PATENT GROUP<br>3475 EDISON WAY, SUITE L<br>MENLO PARK, CA 94025 |             |                      |                     | CHANKONG, DOHM   |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2452   |             |                      |                     |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                      |  |
|------------------------------|------------------------|----------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>  |  |
|                              | 10/620,683             | AOKI, NORIHIRO EDWIN |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>      |  |
|                              | DOHM CHANKONG          | 2452                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 February 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,5-8,11-13,16,17,19,20 and 23-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,5-8,11-13,16,17,19,20 and 23-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

1. This action is in response to Applicant's amendment filed on 2/20/2009. Claims 1, 13, and 25 are amended. Claims 1, 5-8, 11-13, 16, 17, 19, 20, and 23-25 are presented for further examination.
2. This action is a final rejection.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 5-8, 11-13, 16, 17, 19, 20, and 23-25 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.
4. Applicant's amendment of claim 25 overcomes the § 101 rejection. However, Applicant's use of "computer readable storage medium" is not properly supported by Applicant's specification as detailed below.

***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term "computer readable storage medium" in claim 25 lacks antecedent basis in the specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-8, 11, 12, 13, 17-20, and 23-25 are rejected under 35 U.S.C §103(a) as being anticipated by Leber et al, U.S Patent Publication No. 2003|0182391 [“Leber”] in view of Zircher et al, U.S. Patent No. 7.139.798 [“Zircher”], in further view of Lee et al, U.S. Patent No. 2003|0233265 [“Lee”].
7. Leber, Zircher, and Lee were both cited in the previous Office action, filed 4.9.2007.
8. All citations are to Leber unless otherwise noted.
9. As to claim 1, Leber as modified by Zircher and Lee discloses a system for manipulating and updating data in a backend system, said apparatus comprising:  
a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system [Figure 1 «items 100, 110, 119, 130» | 0062-0064];  
an automated agent for:  
accepting requests and issuing responses [0037, 0038];

obtaining and using data input from said messaging clients to determine said manipulating and updating of data [0064-0069, 0138, 0254];  
asking a series of questions to said messaging client to determine intent [*Lee*, 0012: the bot first asks invitees about their free time and optional information and then asks a second question about availability preferences when there are conflicts]; and initiating messaging communications to said other messaging clients [*Zircher*, column 10 «lines 2-5» : “Some bots could automatically invite users to shared spaces”] and mediating a discussion related to said input data [*Zircher*, column 14 «lines 43-51» where : bots act as managers for the shared space and can modify the space | column 21 «lines 27» to column 22 «line 9» where : a FAQ bot "mediates" a discussion by responding to user queries within the collaboration space];  
said automated agent being coupled to between said messaging system and said backend system [0064-0069, 0138, 0254].

Leber fails to disclose the automated agent initiating communications with other messaging clients and mediating a discussion related to said input data. However, such a feature was well known in the art at the time of Applicant's invention. *Zircher* is directed towards a system for establishing a collaboration space involving messaging clients and bots or automated agents [abstract]. Like Leber, *Zircher* discloses that the automated agents are coupled between the messaging system and is capable of accepting requests and issuing responses to client queries [column 9 «lines 28-41»].

However, *Zircher*'s bots provide additional functionality over Leber's agents. For example, *Zircher*'s bots are capable of initiating communications with other messaging clients

and mediating a discussion related to said input data. It would have obvious to one of ordinary skill in the art to have adapted Leber's automated agents to include the additional functionality taught in Zircher. Providing the additional functionality such as the ability to automatically communicate with other clients and manage a collaboration space with multiple clients into Leber would increase the capabilities of Leber's agents including enabling collaboration among users in a shared spaces, scheduling meetings or calendar functions [column 19 «lines 32-46» | column 20 «lines 17-31»].

Leber and Zircher fail to disclose an agent that asks a series of questions to said messaging client. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by Lee. Like Leber and Zircher, Lee is directed towards implementing a bot within an instant messaging system where the bot facilitates communications between the users of the system [abstract: agent]. Leber further discloses that the agent asks messaging clients a series of questions to determine their availability (intent) to join communications between the clients.

It would have been obvious to one of ordinary skill in the art to have modified Leber to include the active agent as taught by Lee. Such a modification to Leber's system is an example of using a known technique (Lee's agent interacting with clients by submitting a series of questions to determine their availability) to improve similar systems (Lee and Leber are directed to interactive bots to facilitate communications in an instant messaging system) in the same way.

*See MPEP § 2143.*

10. As to claim 5, Leber discloses the automated agent appearing as a buddy on a buddy list [0267].

11. As to claim 6, Leber discloses said other messaging clients are associated with prospective meeting attendees and said discussion related to a meeting of said attendees [0096-105].

12. As to claim 7, Leber discloses aid automated agent is capable of responding with information, confirmation, availability, and a request for additional information [0096-0146].

13. As to claim 8, Leber discloses said messaging client exchanges messages via said network with said messaging server by any of two-way messaging, email, a paging network, and instant messaging systems [Figure 1].

14. As to claim 11, Leber discloses said messaging clients engage in dialogs with said automated agents [0096-0146].

15. As to claim 12, Leber discloses said automated agent performs any of:  
proactively sending to said messaging client messages comprising, but not limited to alerts and reminders [0096-0111]; and  
determining resource availability [0095-0111].

16. As to claims 13, 16, 17, 19, 20, 23 and 24, as they do not teach or further define over the limitations of claims 1, 5-8, 11, and 12, claims 13, 17, 19, 20, 23 and 24 are rejected for at least the same reasons set forth for claims 1, 5-8, 11, and 12.

17. As to claim 25, Leber discloses a computer readable storage medium encoded with instructions, which when loaded into a digital computational device establishes a robot agent for receiving Instant Messages from a first user-client and responsively interacting between the first user-client, a calendar server system, and other user-clients to enable each of the user-clients to enter queries and updating data into, and to receive queries and data from, the calendar server system [Figure 3 «items 300, 306, 315» | Figure 5 «items, 520, 530, 522, 526» | 0030-0034], said robot agent including means for:

asking a series of questions to said messaging client to determine intent [*Lee*, 0012]; and

initiating messaging communications to said other messaging clients [*Zircher*, column 10 «lines 2-5» : "Some bots could automatically invite users to shared spaces"] and mediating a discussion related to said input data [*Zircher*, column 14 «lines 43-51» where : bots act as managers for the shared space and can modify the space | column 21 «lines 27» to column 22 «line 9» where : a FAQ bot "mediates" a discussion by responding to user queries within the collaboration space];

See the rejection of claim 1 for rejection rationale and motivation for modifying Leber's invention to include Zircher and Lee's teachings.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/  
Primary Examiner, Art Unit 2452